

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

JACOB SMITH,

Plaintiff,

vs.

ANNETTE CARTER, BRAD  
NEWMAN, KRISTINA LUCERO,  
RONALD BELL, and RENEE  
BAUER,

Defendants.

CV 20-00018-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on August 12, 2020 (Doc. 12.) Judge Johnston recommended that Defendants Annette Carter, Brad Newman, Kristina Lucero, Ronald Bell, Renee Bauer, the Montana Board of Pardons and Parole and its members, and the Montana Department of Corrections should be DISMISSED.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

**IT IS ORDERED** that Judge Johnston’s Findings and Recommendations (Doc. 12) are **ADOPTED IN FULL**. Annette Carter, Brad Newman, Kristina Lucero, Ronald Bell, Renee Bauer, the Montana Board of Pardons and Parole and its members, and the Montana Department of Corrections are **DISMISSED**.

DATED this 31st day of August, 2020.



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Brian Morris, Chief District Judge  
United States District Court